

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 40rhk/229209	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/002158	International filing date (day/month/year) 04.03.2004	Priority date (day/month/year) 24.06.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant HANSEN, Bernd		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-14 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 1-8 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* _____ received by this Authority on _____
 - nos.* _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/3-3/3 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (*specify*): _____
 - ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	4-8	YES
	Claims	1-3	NO
Inventive step (IS)	Claims	7	YES
	Claims	1-6, 8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1	This report makes reference to the following documents:		
	D1: EP-A-0 443 292 (DE LA RUE GIORI SA) 28 August 1991 (1991-08-28)		
	D2: US-A-3 627 861 (TIMKE ROBERT F) 14 December 1971 (1971-12-14)		
	D3: US-A-2 872 861 (SMITH JOHN R ET AL) 10 February 1959 (1959-02-10)		
	D4: GB 704 949 A (ENTWISTLE & WALKER LTD) 3 March 1954 (1954-03-03)		
	D5: DE 42 41 210 A (UTSCH KG ERICH) 9 June 1994 (1994-06-09)		
	D6: DE 894 974 C (MESSERSCHMITT BOELKOW BLOHM) 29 October 1953 (1953-10-29)		
2	Independent claim 1		
2.1	The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT Article 33(2)).		

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Document D1 discloses (the references between parentheses refer to that document): a stamping device for stamping characteristic data into plastics products, in which device at least one stamp, comprising a stamping unit with interchangeable characteristic data units, can be guided in the longitudinal direction (column 4, lines 33-37, figure 1) in a frame of the device (column 4, lines 5 and 6), said stamp, when raised, allowing the introduction and removal, respectively, of the products that are to be stamped and those that have been stamped and when lowered carrying out stamping of the products (column 8, line 22 - column 9, line 6).

The subject matter of claim 1 therefore lacks novelty (PCT Article 33(2)).

2.2 The applicant should note that the features of independent claim 1 are also known from documents D2, D3, D4 and D5; see the international search report.

3 Dependent claims 2 - 6, 8

Dependent claims 2 - 6 and 8 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. The reasons are as follows:

3.1 The additional features in dependent claims 2

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and **3** are known from D1. A stamping device with a heatable stamping unit (see claim **2**) is known from D1 (see column 4, lines 19-32);

a stamping device in which the direction for introducing and removing the plastics product runs longitudinally or transversely to the stamping direction of the stamp (see claim **3**) is known from D1 (see column 8, line 22 - column 9, line 6).

The subject matter of claims **2** and **3** thus lacks novelty (PCT Article 33(2)).

- 3.2 The features of claims **4**, **5** and **6** are disclosed in documents D1 and D2; see the international search report. Those features each appear to concern only one of several common procedures from which a person skilled in the art would readily choose in order to form the stamping device.

The subject matter of claims **4**, **5** and **6** therefore appears not to involve an inventive step (PCT Article 33(3)).

- 3.3 The additional features in claim **7** are not known from the available prior art.

The subject matter of claim **7** differs from document D1 in that the stamping device comprises a guide plate, which guides the plastics products.

The design of the stamping device permits precise guiding of the plastics product, thereby

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preventing smudged stamping or erroneous stamping
(see page 13, lines 1 - 10).

Claim 7 therefore appears to satisfy the criterion
in PCT Article 33(3).

4 Claims 1 - 8 are industrially applicable (PCT
Article 33(4)).

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1 Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1, D2, D3, D4, D5 and D6 or indicate the relevant prior art disclosed therein.
- 2 Independent claim 1 is not drafted in the two-part form pursuant to PCT Rule 6.3(b). However, the two-part form would appear to be appropriate in this case. Consequently, the features known in combination from the prior art (document D1) belong in the preamble (PCT Rule 6.3(b)(i) and the remaining features in the characterising part (PCT Rule 6.3(b)(ii)).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The applicant should note the following pursuant to PCT Article 6.

- 1 Features which contain wording such as "in particular", "such as containers" and "preferably" (see claim 1) can only be regarded as optional - see the PCT Guidelines, 5.40.
- 2 Heating of the plastics product (see claim 2) is a method feature and cannot be used to delimit the stamping device in relation to the prior art.
- 3 The same applies to claim 8, which contains only method features.